

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

)	
UNITED STATES OF AMERICA <i>ex rel.</i>)	
Richard Lardner,)	
)	
	Plaintiff-Relator,)	
)	
vs.)	Civil Action No. 2:17-cv-02013-JPM-egb
)	
SMITH & NEPHEW, INC., and)	
METRO MEDICAL EQUIPMENT)	
& SUPPLY, INC.,)	STIPULATION CONSENTING TO
)	COURT ORDER OF DISMISSAL
	Defendants.)	
)	

WHEREAS, on about January 15, 2020 (the "Effective Date"), Relator Richard Lardner ("Relator") and Defendants Smith & Nephew, Inc. ("Smith & Nephew") and Metro Medical Equipment & Supply, Inc. ("Metro Medical") entered into an Agreement and Release to resolve Relator's claims in the above-captioned action ("Agreement");

WHEREAS, the Relator and Defendants consent to this Court retaining jurisdiction over the enforcement of the Settlement Agreement and any related proceeding;

THE FOLLOWING IS HEREBY STIPULATED AND AGREED by Relator and Defendants, through their counsel:

1. Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. § 3730(b)(1), and conditioned on the Government's forthcoming filing of Consent to the dismissal of the federal claims in the above-captioned action, the Relator and Defendants hereby

stipulate to the entry of an order of dismissal of the above-captioned action subject to the terms of the Agreement.

2. Promptly following the Government's filing of Consent to dismissal, the Parties will file a Proposed Order with the Court for the case to be dismissed with prejudice as to Relator. As to the United States, the Proposed Order shall state the case is dismissed with prejudice as to the Covered Conduct pertaining to the transactions referenced in Exhibit C to the Settlement Agreement, and without prejudice as to all other matters. The Proposed Order shall also recognize that the Court retains jurisdiction with respect to the enforcement of the Agreement and any related proceeding.

Respectfully submitted this 14th day of February, 2020 by:

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